

REMARKS

Prior to the present response, claims 1-3, 5-9 and 13-16 were pending. By way of the above amendments, claims 5 and 14 have been amended, claims 18 and 19 have been added, and claims 1-3, 6 and 8 have been canceled without prejudice or disclaimer. Accordingly, claims 5, 7, 9, 13-16, 18 and 19 currently are pending.

Claim 5 has been amended to incorporate the features of claim 6 and to further recite that the controller *automatically* starts driving of the display device. Claim 14 has been amended to recite that a controller for controlling image taking operates to substantially obtain in-focus condition for distant to close-range views before *automatically starting driving* of the display device. Support for these amendments is found, for instance, in Figure 7 and in the specification, at pages 19, 20 and 23.

Claim 16 has been amended to recite that the step of determining is based on a stored state value. Support for this amendment is found in Figure 7 and in the specification, at page 6, lines 11-19, and page 20, lines 6-18, for example.

In section 4 of the Office Action, the drawings were objected to for containing a minor informality in Figure 7. In response, Applicants have adopted the Examiner's suggested change to Figure 7. It is respectfully submitted that this change, which is formally executed in attached formal replacement drawing sheet, fully addresses the Examiners concerns.

In sections 7-8 on page 4 of the Office Action, claim 8 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. While the rejection has been rendered moot by the cancellation of this claim 8, Applicants disagree that claim 8 was indefinite because the features recited are clearly shown in the example of Figure 7, which is described starting at line 26 of page 19 of the specification. As disclosed therein, a camera controller operates to start driving of the display device after performing the driving of the taking lens (see, #40). In addition, controller is further configured to drive the taking lens to the focus position after driving of the display is started, as recited in claim 7 (see, for example, processes *1, #160 and #170 in Figure 7). Thus, the controller as recited in claim 8 is configured to drive the taking lens into the in-focus position after driving of the display is started, and also to start driving of the display device after performing the driving of the taking lens.

However, because features set forth in claim 8 are now recited in amended claim 5 (by the incorporation therein of the features of claim 6), Applicants have canceled claim 8 to avoid redundancy.

In the Office Action, sections 10-11 include a rejection of claim 1 under 35 U.S.C. § 102 as allegedly being anticipated by the Kaneda patent (U.S. Patent No. 6,184,931), sections 15-16 include a rejection of claim 2 under 35 U.S.C. § 103 over the Kaneda patent in view of the Swayze patent (U.S. Patent No. 6,519,003), and sections 23-24 include a Section 103 rejection of claim 3 over Kaneda in view of Swayze and Hamada et al. (U.S. Patent No. 5,819,120). As noted above, claims 1-3 have been canceled without prejudice or disclaimer. Hence, these rejections of claims 1-3 have been rendered moot.

In section 13 of the Office Action, claim 16 was rejected under 35 U.S.C. § 102 as allegedly being anticipated by the Toyofuku patent. This rejection is respectfully traversed insofar as it may be considered to apply to amended claim 16.

Amended claim 16 is directed to a display control method in a digital camera having a display device. The first recited step involves "determining, based on a stored state value, whether display of an image captured is requested or not when power supply to the camera is started." In setting forth the rejection of independent claim 16, the Examiner states "the operation of the camera begins when a battery is loaded," with reference to column 15, lines 24 and 25 of the Toyofuku patent. (See, page 6, lines 1-2.) In lines 3-4 of page 6, the Examiner concludes, "[t]herefore, the camera can only determine whether the LCD switch is activated or not when power supply to the camera is started." However, the camera of Toyofuku requires an operator to press an LCD switch in order for the lens to be moved into a "pan focus position." This is done to save power when the LCD is not needed (see column 16, lines 1-4). Hence, it appears that a stored value corresponding to display of a captured image, if any exists in the camera of Toyofuku at startup, would always remain a same value corresponding to no request for display. Thus, the Toyofuku camera does not make any determination, when power supply is started, whether display of an image captured is requested based on a stored state value as claimed. Hence, Applicants submit that amended claim 16 sets forth patentably distinct subject matter not found in the Toyofuku patent.

On page 7 of the Action, claims 5, 7 and 13-15 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over the Kaneda patent (U.S. Patent No. 6,184,931) in view of the Mogi patent (U.S. Patent No. 5,751,351). This rejection is respectfully traversed, as the Kaneda and Mogi patents fail to teach or suggest each and every feature recited in the amended independent claims 5 and 14.

For instance, it is respectfully submitted that the Kaneda and Mogi patents fail to teach or suggest, *inter alia*, that a camera includes a taking lens, a display and a controller, and that the controller operates to automatically start driving of the display device after performing of the driving of the taking lens, as set forth in independent claim 5. The cited documents also fail to teach or suggest a camera body comprises a display, and a controller for controlling image taking so that in-focus condition is substantially obtained for distant to close-range views before automatically starting driving of the display device, wherein said controlling is performed when power supply to a camera including the camera body is started, as set forth in independent claim 14.

The aforementioned differences between the present invention and the applied art can be illustrated, for example, via a detailed analysis of representative claims. Before proceeding with such analysis, it is to be noted that Applicants take exception to the Examiner's characterization of the claimed feature of "in-focus condition is substantially obtained for distant to close-range views," as recited in independent claims 5 and 14. In connection with this recitation, the Examiner states:

"The phrase 'distant to close-range views' is very vague. When the lens is driven to the initial position, something/anything inherently would be at an in-focus position for 'distant to close-range views'." (See, page 7, lines 12-14 and page 8, lines 14-16)

However, Applicants respectfully submit that contrary to the Examiner's allegations, the recitations in claims 5 and 14 of "in-focus condition is substantially obtained for distant to close-range views" is clear and distinct (i.e. not "very vague," as alleged). Moreover, allegations concerning vagueness do not appear appropriate in an art-based rejection under Section 103. Furthermore, Applicants submit that the claimed feature of "in-focus condition is substantially obtained for distant to close-range views" does not simply mean that something at *only one* particular position would be substantially in focus, as implied by the Examiner's allegation of inherency. As

pointed out in Applicant's response of July 2, 2004, "an in-focus condition is substantially obtained for *any view* in the claimed span of distant to close-range views *when power supply is started*" (emphasis in original). It is respectfully submitted that those skilled in the art would have understood the clear meaning of this feature, especially when read in the light of the specification.

Returning now to the claims and the applied art, amended claim 5 is directed to a camera that includes, among other features, a controller for driving the taking lens to a focus position where in-focus condition is substantially obtained for distant to close-range views before display by the display device is started, wherein said driving of the taking lens is performed when power supply to the camera is started *and the controller automatically starts driving of the display device after performing said driving of the taking lens*. In connection with these claimed features, the Examiner asserts that the Kaneda patent discloses a lens (reference 1, Figure 1), an image sensor (reference 3), and a logic control circuit (reference 15), and acknowledges that the Kaneda patent fails to teach or suggest the claimed feature of driving the taking lens to a focus position before starting display by a display. The Examiner, therefore, relies on columns 7-8 of the Mogi patent, which describe a fading controlling circuit of a camera. It is respectfully submitted, however, that even if motivation were to exist for such modification of the Kaneda camera, the proposed combination of Kaneda and Mogi would not have resulted in a *controller that starts driving of the display device after performing said driving of the taking lens*, as recited in the context of amended claim 5.

According to the cited part of Mogi, the fading controlling circuit causes a video signal outputted from a signal processing circuit to fade while a lens resetting operation is performed upon powering up the camera. In column 6, lines 52-55 of the Mogi patent, "fading" is defined as "the process of making a picture all a single color, for example, white, black or another color." However, Mogi discloses that signal fading causes the CRT screen to become black, white, or some other single color, which implies that a display is being driven to show these "colored" screens (column 7, lines 37-40). Hence, the proposed Kaneda and Mogi combination would not have taught or suggested the combination of features recited in amended claim 5 in which a controller *starts driving of the display device after performing said driving*

of the taking lens.

In section 26 on page 10 of the Office Action, the Examiner acknowledges that Kaneda fails to disclose that the display is driven after the driving of the lens. To fill in this gap, the Examiner cites description from the Swayze patent of using a manually operated display button on a camera to turn on and off the camera's display. The Examiner then concludes that adding such a display button to the camera of Kaneda would have been obvious to "allow a user to select when to use the display." (See, the last three lines of page 10.) It is respectfully submitted, however, that the claimed feature of "the controller starts driving of the display device after performing said driving of the taking lens" recited in claim 5 implies an *automatic* operation by the controller. By contrast, the proposed modification based on the Swayze patent would require performing a *manual* operation to commence driving of the display.

To make the distinction of automatic driving of the display abundantly clear, and to facilitate expeditious allowance of the present application, the claimed operation of *automatically* starting driving of the display by the controller is now explicitly recited in amended claim 5. A similar amendment has been made to independent claim 14. By contrast, the proposed modification involving a manually operated switch, such as disclosed in the Swayze patent, would have been contrary to *automatically* starting the driving of the display as claimed.

From the foregoing, it is respectfully submitted that the Toyofuku patent fails to anticipate amended claim 16. Applicants further submit that Toyofuku fails to describe the features recited in each of new claims 18 and 19, which depend from claim 16. Additionally, the Kaneda, Mogi, and Swayze patents, whether considered individually or in any combination, fail to teach or suggest the combinations of features recited in amended independent claims 5 and 14, and hence also in claims 7, 9, 13 and 15, which depend from one of these independent claims. As such, all pending claims are considered allowable.

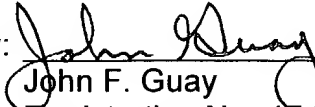
Reconsideration and allowance of the present application is earnestly solicited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By:



John F. Guay

Registration No. 47,248

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

FIG. 7

